

**Upper Deschutes RMP Issue Team
Preferred Alternative Subcommittee Meeting Minutes
May 6, 2004**

Location: USFS, Ochoco, Large Conference Room

Present:

**Mimi Graves
Katy Yoder
Anne Holmquist
Bill Fockler
Brian Ferry
Jerry Cordova
Sarah Thomas
Clay Penhollow
Darrell Pieper**

**Jamie Hildebrandt
Belinda Kachlein
Dave Duncan
Matt Holmes
Nancy Gilbert
Cory Parsons
Kent Gill
Barbara Pieper**

**BLM: Mollie Chaudet, Lisa Clark, Teal Purrington, Keith Brown, Virginia Gibbons,
Facilitator**

Introduction

Focus Group Process (Mollie Chaudet) – Focus groups have taken the comments and, as representatives on the issue teams, are bringing forward areas that they have reached consensus to this group.

Grazing presentation (Teal Purrington)

Grazing Focus Group consists of:

Grazing	Susan Singhose/Wayne Singhose
County Extension Office	Cory Parsons/Tim Deboodt
Conservation/preservation	Matt Holmes/Chris Egertson
US Fish & Wildlife Service	Nancy Gilbert/Jerry Cordova
BLM Representative	Teal Purrington

Alternative 1

Resolve conflicts between livestock grazing and public land use and adjacent private land use on a case-by-case basis.

Alternative 7

Establish a formula to estimate potential for conflict (where problems are likely to occur).
Allow BLM and grazing permittee flexibility in outcome.

Factors in Alt 7 formula

For rating each allotment...

Social

1. Residential/resort zoning
2. Recreational use
3. Special management areas (e.g., WSA established for social reasons, like Badlands)

Economic (Demand – how likely to be interested in an allotment)

1. New fence needed
2. Fence maintenance
3. Waiting list
4. Residential/resort zoning
5. Recreational use
6. Water hauling vs. pipeline
7. Seasonal restrictions
8. Wildlife habitat
9. Size of allotment

Ecological

1. Rangeland health assessment (S&Gs, 1997 requirements to evaluate allotments)
 - a. Watershed function in the uplands
 - b. Watershed function in the riparian/wetlands
 - c. Ecological processes (healthy, productive and diverse communities appropriate to the area are present)
 - d. Water quality
 - e. Habitat
2. Wildlife habitat
3. Special management areas (e.g., ACEC for ecological reasons such as Peck's milkvetch)

Public Comments

Majority of topics received 1 – 3 comments, with bulk of comments focused on the grazing matrix.

“The RMP should reduce allowable AUMs to protect water quality, microbiotic soil crusts, and other environmental resources.” S&Gs are used to assess effects of livestock on other processes. Don't need to repeat process in the plan.

“The RMP should be compatible with the proposed new grazing regulations.” (See section below, Plan will be compatible with these. Reserve Common Allotment concept was taken out of the proposal for new grazing regulations → this is not the same as Reserve Forage Allotments, which require grazing every 3 years- work with whatever regulations are in place at the time). Our charge is to make the land available for grazing, so we can't just let an allotment sit for 10 years. Right now we have a 3 year limit on non-use. These new grazing regulations are out of the national office. If the agency feels there are resource reasons to go beyond three years of rest, then we can go beyond three years of rest. New grazing regulations will have more flexibility.

“Where the RMP discontinues grazing, it should provide for forage needs of dependent operators.” Give priority for closed, vacant and RFA to permittees that were displaced.

“The RMP should reflect the business relationship between BLM and permittees, and direct BLM to involve permittees in decisions affecting their allotments.” We’re doing this Common to All Alternatives.

“The range of livestock grazing alternatives is too narrow.” It ranges from the highest AUMs (26,000) down to 13,000 – so that’s a pretty reasonable range of alternatives. “No grazing” is not a reasonable alternative, so it was not included.

“The alternatives are not reasonable because BLM is unlikely to complete the required monitoring.” We’re required to do S&Gs by 2009. We have a plan to complete 15/year through 2009 and should be done or close.

a. “The BLM should modify the Grazing Decision Matrix to allow more field manager and/or rancher discretion in ‘closing’ allotments”

b. “...and consider additional factors, e.g. water quality.”

General Comment: Note one change from Brothers La Pine – we will have more flexibility to decide to rest/not rest a pasture following treatment (e.g. burning, seeding). If the agency decides that 2 yrs is too much, then we can rest less or we can choose to rest more.

New Grazing Regulations

- **Eliminate “conservation use” permits**
- **Remove current 3-consecutive-year limit on temporary non-use.**
- **Phase-in grazing decreases/increases of more than 10% over a 5-year period.**
- **Extend to 24 months (from current 12) the BLM’s deadline for initiating action to remedy allotments failure to meet S&Gs**
- **Require in-depth monitoring to support S&G assessments, rather than just current “documented observational assessments.”**
- **Stress that BLM must consider social, cultural, and economic consequences of decisions affecting grazing.** How much consideration is built in, or how much weight is given to “squeaky wheel,” vs. permittee.
- **Do not establish Reserve Common Allotments (which could have been left in non-use indefinitely at BLM discretion). These are not the same thing as our Reserve Forage Allotments, which are managed under existing (and any new versions), with limits on non-use and conservation use.**

Focus Group modifications to Alternative 7

We reviewed public comments and considered potential changes. In the end we decided on just two small changes to increase grazing permittee and BLM flexibility. We did not change the grazing matrix formula. We wanted direction, but we also needed good flexibility. So we could add flexibility in areas with low demand. These areas will not likely be evaluated every year to

see where things fall in the allotment – would likely be occasionally and as requested. Could have a worksheet, etc.

Question: Once an allotment is relinquished and closed does it just go away? *No, during life of plan or as conditions change, could be moving allotments around the categories, so they could be coming back to life.*

1. **Change the top left box of the Grazing Decision Matrix from “Open” to “If permit relinquished, close or create RFA” (Where we have low demands, moderate ecological/social conflicts).** For example, if social factors change, like around Pronghorn Resort, and they want to get rid of that allotments, the permittee will have priority to move into vacant areas or RFAs with no identified operator. We can work with them. Question: How realistic is it to say they could move into a vacant allotment? – are there lots of open allotments? *Right now we have about 20-25 vacant allotments, and not all have conflicts. 125 allotments in the preferred alternative.* Question: If an area doesn’t meet a standard, can you close single pasture or do you have to close the whole allotment? *We can close pastures.*
2. **Change the third from left top box from “IPR, create RFA” to “IPR, close or create RFA” – if permittee wanted to give up the permit. Today, no allotments meet this criteria, but could still apply as allotments move into this category.** Can you give an example? For example, if you are adjacent to an allotment and you decide you don’t want to graze anymore. If the water access goes through your property, then you may not want the area grazed by anyone else, so then you’d like it closed and would relinquish it.

Consensus Question: Add flexibility to create RFA if fell into low, low, moderate social; and then close or create RFA if low demand, low social, low ecological. Discretion of BLM if close or RFA.

Discussion: So, if someone walks away from an allotment, seems like low demand – how will BLM figure out there’s actually low/no demand before closing or RFA’ing an area? It does limit the opportunity for someone new to step in and decide to start grazing, especially if we already think of closing it. However, for the most part ranchers that need land have already put their names on wait list, etc. But if the allotment has been closed, or put into RFA status, it can be brought out. RFA doesn’t really retire (still have to graze 1:3 years) – so conservation groups likely won’t be out buying permits to retire them, because the BLM doesn’t have to close them. Grazing is not an exclusive use, we need to integrate use on parcels to maintain ecological health, recreation, etc.

Note: Closed to grazing does not mean closed to all other uses.

Question: Will additional lands be made available for grazing? *There are a few vacant permits that grazing operators could apply for.*

(Regarding consensus voting process: Clay Penhollow clarified that in past meetings he has sometimes voted a 3, but he did not really perceived that vote as neutral, more in between 2 and 4).

Consensus decision: all 3+

Mollie and Vegetation Name:

Received consensus about historic vs. current vegetation concepts. But we need to get consensus on the names of this strategy. Possible vegetation strategy preferred alternative titles:

- Restoring resilient ecosystems
- Ecosystem restoration
- Progressive ecosystem management
- Progressive landscape restoration
- Progressive historic range of variability
- Broadscale restoration

Come up with any new ideas, or email Mollie with preference or ideas.

Note: we will also ask all Issue Team members for name preferences at the May 17, 2004 meeting.

Preferred Alternative Subcommittee – Proposed FEIS Public Health and Safety changes (Keith Brown)

PHS Focus group: Ken Florey, Bill Fockler, Brian Ferry

6 existing closures:

- Rosland Pit – AFD/yr round
- Badlands Rock – AFD/seasonal raptor
- Mayfield Pond – FDULH/yr round
- Isolated parcel on Middle Deschutes – AFD/seasonal raptor
- Fryrear Rd – AFD/seasonal raptor
- Middle Deschutes W&SR – FDULH/yr round

Alternative 7 in the UDRMP currently identifies 4 reasons for closing an area:

- High recreational use/high density of public
- Recreation experience (yellow, non-motorized exclusive → provides an experience that would be sensitive to firearm discharge). Combine yellow with firearm discharge closure.
- Natural and cultural concerns: ACEC
- Residential process – in residential areas and you have large BLM block, or an isolated parcel → is a closure necessary for safety. People of subdivision needs to have consensus that they want it closed, take request to city/county → get closure in law; then subdivision comes to BLM and requests an adjacent closure on BLM that will compliment closure on private.

1) Corrections (Inconsistencies with existing criteria)

Found some problems that needed to be addressed – these are technical changes, not needing consensus.

Matching the recreation section's non-motorized exclusive designation with a PH&S firearm discharge closure

Geographic Area	Specific Parcel	DEIS Designation	New Designation	Rationale
Northwest	Main NW block	Closed to FDULH	No closure	Area NOT non-motorized exclusive
Northwest	3 isolated 40s	Closed to AFD, No closure	Closed to FDULH	Non-motorized exclusive under Rec
Tumalo	1 80, 1 120, South of Tumalo Res.	No closure	Closed to FDULH	Non-motorized exclusive under Rec; related to adj to USFS. But BLM is primary landowner – so keep parcel closed
Horse Ridge	Horse Ridge proper (not Skeleton Burn)	No closure	Closed to FDULH	Non-motorized exclusive under Rec
Prineville	Barnes Butte	No closure	Closed to AFD	Non-motorized exclusive under Rec; UGB will absorb parcel, illegal to shoot w/in city limits.
La Pine	4 isolated parcels along Little Deschutes	No closure	Closed to FDULH	Non-motorized exclusive under Rec, due to riparian area presence – better places to target shoot.

2) Criteria Changes

A) Objective PHS – 2: In non-motorized areas, provide for a recreation experience compatible with the desired recreation setting and a reduced chance of experiencing people engaged in firearm discharge activities.

Guidelines (BOLD language has been added):

Closed to Motorized Vehicles – Areas designated Non-Motorized Exclusive will be closed to “all firearm discharge,” or “firearm discharge unless legally hunting.” The problem is that no criteria have been identified to help you decide which one.

Proposed criteria: Decisions concerning these firearm discharge closures will consider numerous factors including but not limited to: Incidences of dangerous firearm discharge (e.g. BLM firearm discharge citations, reports of recreationists being hit, or nearly hit by firearm discharge), type of recreational activity, compatibility of activities, type and size of recreational groups, geography, topography, presence of facilities (parking lots, bathrooms, roads, trails, interpretive signs and exhibits), land status of surrounding properties, and ease of closure enforcement. Areas adjacent to other public lands or private lands zoned for agricultural or forest uses may remain open to firearm discharge if consistent with adjacent land management direction.

Discussion:

“Areas adjacent to other public lands or private lands zoned for agricultural or forest uses” – if the land is surrounded by private and the public can’t get there, do we really need to close it?

Clarification: Firearm closures does not mean you can’t carry a firearm – just don’t shoot unless necessary. Also doesn’t preclude changing the designation in the future if conditions change.

Question: Is there also language in the plan to open areas for shooting? *There is language that the BLM is open for R&PP lease to manage a developed shooting range. Don’t want to flip around too much though, it makes it too hard for people to keep track of where they can and cannot shoot.*

Specifically:

Geographic Area	Specific Parcel	DEIS Designation	New Designation	Rationale
Northwest	Two isolated parcels next to USFS	Closed to FDULH	No closure	Adjacent to other public lands
Millican Plateau	West Butte proper	No closure	No closure	Adjacent to agricultural lands, not a lot of non-motorized use right now.
Millican Plateau	West Butte isolated parcels nearby	No closure	No closure	Adjacent to agricultural lands
Prineville	Numerous isolated parcels	No closure	No closure	Adjacent to agricultural lands – no closure needed

West Butte Proper: go ahead and remove closure because use is low right now, and the area is surrounded by agricultural lands. However, if recreation use increases or development starts, then we’d reevaluate using the original 4 criteria.

Cline Buttes example: isn't this too close to homes? Bullets travel on to private property. But there are also some basic legal firearm discharge requirements: people must shoot safely, so we don't want bad behavior of a few to limit everyone else. We also don't want to be the regulators for the counties. If county won't close the private, we don't want to be the line you don't cross – we'd like the county to address an area if it's a problem.

Question: Couldn't the BLM identify “where good places are to shoot?” Not necessarily clubs or facilities, but good geographic topographically appropriate. Even some near residences. *But, BLM would incur dramatically increased liability if we “designate” an area. If we designate an area, we need a presence– that would require full-time staff.*

B) Objective PHS – 3: Protect developed facilities [proposed added words], or natural and cultural resources from the impacts of firearm discharge.

Some areas where we have inconsistencies. This change adds criteria for “why” we have these types of closures.

Geographic Area	Specific Parcel	DEIS Designation	New Designation	Rationale
Cline Buttes	Young Ave. 40, Redmond Substation	Closed to AFD	Closed to AFD	Developed facilities
Steamboat	3 isolated parcels (non rec, roads only)	Closed to AFD	Closed to AFD	Developed facilities
Badlands	COTEF	No closure	Closed to AFD	Developed facilities

C) A closure to all firearm discharge would not apply to:

[#1 became 2 parts to make it clearer – to allow ODFW officers to act in emergency situations]

1. A person conducting the official business of BLM personnel or their designee, including but not limited to: Acting in defense or protection of an individual, dispatching a critically injured animal for humane purposes, or dispatching a dangerous or damage causing animal, and
2. Discharge of projectiles with a limited range where, should the shooter miss their target, the projectile is likely to hit the ground before hitting other unintended targets including but not limited to: A bow or compound bow and arrow, a slingshot, a BB gun, or a paintball gun, and
3. Discharge of weapons utilizing “blank” ammunition where no projectile is discharged including but not limited to: Blanks for dog training purposes or by the military for official training purposes.

Question: Some question over what is “limited range” – has that been identified? What about cannons, potato guns, etc.? How do you select the correct range? *If there is a potentially dangerous situation, provide for a law enforcement officer to respond and utilize officer discretion on a case-by-case basis.*

1. **BLM personnel including but not limited to: Acting in defense or protection of an individual, dispatching a critically injured animal for humane purposes, or dispatching a dangerous or damage causing animal, and**
2. **Other government personnel in emergency situations, and**
3. Discharge of projectiles with a limited range where, should the shooter miss their target, the projectile is likely to hit the ground before hitting other unintended targets including but not limited to: A bow or compound bow and arrow, a slingshot, a BB gun, or a paintball gun, and
4. Discharge of weapons utilizing “blank” ammunition where no projectile is discharged including but not limited to: Blanks for dog training purposes, or by the military for official training purposes.

3) Site-specific firearm discharge closure changes

Match closures to boundaries. Aims for consistency and ease of law enforcement.

Geographic Area	Specific Parcel	DEIS Designation	New Designation	Rationale
Millican Plateau	East and adjacent to Crooked River WSR	Closed to FDULH	Closed to FDULH	Match boundary with non-motorized exclusive designation
Bend/Redmond	South of 126, west of NUC, east of Rdmnd	No closure	Closed to AFD	Match closure with non-motorized exclusive designation

4) Considered but Eliminated – no consensus needed

Requests regarding shotguns – shotguns projectiles don’t travel as far, so they should be allowed. But, this is inconsistent with our goals and safety issues; as well as noise issues.

A) Criteria

Requested criteria	Rationale
Allow shotguns in areas closed to AFD	Inconsistent with DEIS criteria
Allow shotguns in high use areas	Inconsistent with DEIS criteria

B) Site-specific closure requests that didn’t meet our criteria – no consensus required.

Requested Closures	Rationale
Steamboat/CRR – Close BLM to AFD “above the lower rim” on the CRR side of the M. Deschutes WSR	Retain hunting opportunities Reasonable recreation opportunities Residential process available to adjacent residents. Rim hard to identify in some areas, and public hard to figure it out. (So, still FDULH)
La Pine – Close BLM to FDULH along the Oregon Outback National Scenic Byway (Hwy 31) (Scenery, safety)	OR state law – illegal to shoot across a road No evidence of extensive target shooting now No known impacts to scenery

	Other roads have more traffic, equal scenery concerns
Mayfield – Close entire block to FDULH	Inconsistent with criteria, and Part of block already closed in DEIS, nearby areas closed to FDULH, or AFD – still opps for recreation in an AFD.
Northwest – Close entire block to AFD	Doesn't fit criteria Residential process available to adjacent residents
La Pine – Close parcel to AFD adjacent to homes and gas pipeline near junction of highways 97 and 31	Doesn't fit criteria Residential process available to adjacent residents
La Pine – Close all BLM north of Burgess Road, East of Little Deschutes, west of Highway 97	Doesn't fit criteria Residential process available to adjacent residents

Looking for consensus on 2 a, b, and c

2a (adds bolded language re: considerations and situations)

2b (developed facilities)

2c (closure language – not apply to...)

Consensus: all 4 and above.

(Outside of topic a bit) **Question:** Some concern over amount of flexibility: can we open an area in the future if needed? Yes, with minor plan amendment. Likely wouldn't lease land for a shooting range in an area that is closed to AFD. We have more flexibility in areas that allow hunting, or in areas without any firearm discharge restrictions.

Open Public Forum: none present.

Wrap-Up -

Mollie: Would like feedback on the proposed process to update IT members. Plan to send summary of consensus points. Could also mail notes out to subcommittee members. Group recommended that we don't need to send them out to all. Folks will get to see the outcomes of these meetings and can provide input. We can tell them how to access notes if they want. We'll allow them to raise issues.

Action from group next meeting: ratify consensus reached by these groups. Could the BLM send out a draft of outline of presentation process so we can know what time to be there for our section if we can't attend the entire day? *Yes, will include agenda with summary points.*